

MLW

DAVIS, ROBINSON & WHITE, L.L.P.
Attorneys at Law
One Faneuil Hall Marketplace, Third Floor
South Market Building
Boston, Massachusetts 02109
Telephone (617) 723-7339
Fax (617) 723-7731

CO COPY

Willie J. Davis
Frances L. Robinson
William M. White, Jr.

September 26, 2005

BY HAND

Victor A. Wild, Assistant
United States Attorney
One Courthouse Way
Boston, MA 02210

**RE: United States v. Sean Sacco
Indictment No. 04-10231
Local Rule 116.1(D)**

Dear Attorney Wild:

With regard to Local Rule 116.1(D) this letter is to advise that the defendant has not determined whether he intends to present an affirmative defense in the above-captioned matter. I am, however, in possession of various documents, photographs and a videotape.

In an effort to provide the government with due notice of the defendant's potential offer of one or more of the documents, I am providing you with the following:

1. Documents Bates Stamped 000001 – 000094, and;
2. Memorex CD-R disc containing photographs of various motor vehicles.

I am also in possession of a videotape containing footage of various work sites should you wish to view it. As I only have one copy of video, you are welcome to schedule a time to view it at my office or make secure arrangements to copy it.

Again, it is premature to determine whether the materials constitute reciprocal discovery as encompassed by rule, but they are produced here in any event.

Victor A. Wild, AUSA

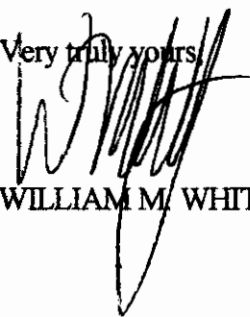
09/24/05

Page 2

The defendant does not intend to rely on a defense of alibi.

Thank you.

Very truly yours,



WILLIAM M. WHITE, JR.

WMW:w

cc: Dennis O'Leary, Courtroom Clerk
to Hon. Mark L. Wolf (letter only)
Sean Sacco (letter only)